IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re	:	MISCELLANEOUS ACTION
	:	
JUNE ALLISON BODNAR	:	
	:	
Debtor	:	NO. 98-MC-95

MEMORANDUM AND ORDER

Norma L. Shapiro, J. August 12, 1998

After the Bankruptcy Court held Leslie A. Dienes ("Dienes") in contempt for violating its orders, Dienes filed a petition for writ of mandamus to vacate the Bankruptcy Court orders against him. The petition for writ of mandamus is really an appeal of the Bankruptcy Court orders. The Bankruptcy Court orders will be affirmed; the petition for writ of mandamus will be denied.

BACKGROUND

Dienes is a non-attorney Bankruptcy Petition Preparer ("BPP") as defined in 11 U.S.C. § 110(a)(1) (Supp. 1998). Dienes, and Microlaw, Inc. ("Microlaw"), assisted in the preparation of June Allison Bodnar's ("Bodnar") bankruptcy petition. (Petition, ¶ 4). Bodnar paid Dienes and Microlaw $195.00 for bankruptcy forms and materials required for filing under Chapter 7. (Id.)

Upon receipt of the bankruptcy petition, U.S. Bankruptcy Chief Judge Scholl believed that the services provided by Dienes and Microlaw "may have been in the nature of the unauthorized practice of law." (Order, April 15, 1998). Chief Judge Scholl ordered Microlaw and Dienes "and any persons acting in concert with them"

> to file . . . a written response to the following inquiries, on or before April 24, 1998:
>
> a. What services it/(s)he claims to have performed for the Debtor;
> b. What sums, if any were charged for these services;
> c. Why any sums charged should not be refunded;
> d. The names and case numbers of any other bankruptcy cases filed in any jurisdiction in which it/(s)he has charged fees for assisting the debtors but has not entered an appearance as counsel for the debtors;
> e. What advertisements for its services it/(s)he utilizes or has utilized. Copies of any written handouts or advertisements shall be produced.

(Order, April 15, 1998). Chief Judge Scholl also directed Microlaw and Dienes to show cause why they should not be permanently enjoined from violating 11 U.S.C. § 110 in assisting parties filing bankruptcy petitions. (Id.) A hearing on the order to show cause was set for April 30, 1998 at 9:30 a.m. (Id.)

Neither Dienes nor any Microlaw representative appeared at the hearing. (See, N.T. 4/30/98). Chief Judge Scholl then entered an order enjoining Dienes and Microlaw from assisting parties in preparing bankruptcy petitions, or violating 11 U.S.C. § 110. (Order, May 1, 1998). Chief Judge Scholl again ordered Dienes and Microlaw: to file the same information regarding services and fees with the court; and to show cause why they should not be held in civil contempt at a hearing set for May 19, 1998. (Id.)

By order of May 11, 1998, Chief Judge Scholl found that both Microlaw and Dienes had received the May 1, 1998 order, were aware of it, but did not intend to comply. Chief Judge Scholl

stated that at the hearing scheduled for May 19, 1998, the Bankruptcy Court would consider whether they "have and will continue to willfully violate the Order," and, if so, what remedies and relief would be necessary to assure compliance with the order. (Order, May 11, 1998).

On May 19, 1998, a hearing was held, but Dienes and Microlaw failed to attend. In the presence of the United States Trustee, Chief Judge Scholl sought to learn more about Dienes and Microlaw through Bodnar's testimony. Chief Judge Scholl explained to Bodnar the purpose of the hearing, and the court's intent not to affect her bankruptcy petition. (See, N.T. 5/19/98, p. 4-5). Bodnar refused to testify under oath, (N.T. 5/19/98), but volunteered that Dienes and Microlaw "did not represent themselves as attorneys." (Id. at p. 8). The court again attempted to place Bodnar under oath, but she again refused. (Id. at pp. 8-9). When the court informed her that her refusal to cooperate would cause the dismissal of her petition, Bodnar responded, "[w]ell then dismiss it." (Id. at p. 9). The court repeated that it would dismiss her case, and Bodnar agreed with that course of action. (Id.)

On May 20, 1998, Chief Judge Scholl, reciting: 1) Dienes and Microlaw's intent not to comply with the April 15, and May 1, 1998 orders regarding petition preparation and filing; 2) their contempt of the same orders for failure to participate in the hearings of April 20, and May 19, 1998; 3) their conduct apparently in violation of 11 U.S.C. §§ 110(c)(1), (f)(1), and

(h)(1); and 4) Bodnar's refusal to answer the court's questions under oath, entered a contempt order. (Order, May 20, 1998) ("Contempt Order"). The Contempt Order: (1) dismissed Bodnar's bankruptcy action; (2) enjoined Microlaw and Dienes from assisting any party filing a bankruptcy petition or charging any petitioner for assistance in filing a bankruptcy petition; (3) ordered Microlaw or Dienes to refund $195 to Bodnar; (4) fined Microlaw and Dienes $1500; (5) fined Microlaw and Dienes $100 per day after June 5, 1998 if they continued to refuse to comply with the court orders; and (6) set a further hearing to determine what other remedies might be necessary. (Id.) The order was to "become effective as an Order of Contempt 10 days after service unless, within this 10 day period, in accordance with Bankruptcy Rule 9020(c), an interested party . . . files . . . an objection thereto." (Id.)

Dienes filed a timely notice of appeal of the court order of May 20, 1998, on June 1, 1998. In order to appeal the Contempt Order, Dienes had to file an objection within 10 days. (Contempt Order, p. 4; Fed. R. Bankr. P. 9020(c)). In computing the time allowed by the Federal Rules of Bankruptcy Procedure, the court must begin counting the day following the date the order was entered. Fed. R. Bankr. P. 9006(a). If the last day falls on a Saturday, Sunday, or legal holiday, the deadline does not run until the following day not a Saturday, Sunday or legal holiday. Id. The Contempt Order was entered on Wednesday, May 20, 1998. The time began running on Thursday, May 21, 1998; the tenth day

was May 30, 1998. Since that date was a Saturday, the deadline was extended until Monday, June 1, 1998. Dienes filed the objection/notice of appeal on that date; so it was timely filed. Dienes failed to file a statement of the issues complained of on appeal, as is required by Fed. R. Bankr. P. 8006. Although the bases for Dienes's objections were not presented until the petition for writ of mandamus, the notice of objection/appeal was timely filed, and the court can consider the validity and legality of the Bankruptcy Court orders.

Under Fed. R. Bankr. P. 9020, when a "timely objection[to an order of contempt is] filed, the order is reviewed as provided in Rule 9033." Fed. R. Bankr. P. 9020(c). Rule 9033 provides that, when objections are filed, the district court conducts a de novo review of the portion of the Bankruptcy Court's decision "to which specific written objection has been made." Fed. R. Bankr. P. 9033(d). Because Dienes has filed a timely objection to the Contempt Order, this court has docketed the objection as an appeal from the May 20, 1998 order and will conduct a de novo review of the appropriateness of that order.

Attached to the timely objection was a motion for stay pending appeal. Chief Judge Scholl, in scheduling a hearing on the motion for stay for June 11, 1998, stated that if either Dienes or Microlaw refused to participate in the hearing, "any request for relief from [the Bankruptcy Court orders] will be deemed waived." (Order, June 3, 1998).

At the hearing on June 11, 1998, neither Dienes nor a

Microlaw representative attended; the U.S. Trustee was present. Chief Judge Scholl found the contempt order non-final as to Dienes because of the timely notice of appeal, (N.T. 6/11/98, p. 3-4), but since Dienes did not appear, he had waived any request for relief, as provided by the June 3, 1998 Order. (Id., p. 5).

On June 12, 1998, Chief Judge Scholl, denying the stay of the Contempt Order, entered an order that "Dienes withdrew any request for relief," but the notice of appeal was a "cognizable objection to the Order of Contempt . . on behalf of Dienes only and not Microlaw." (Order, June 12, 1998). Because the Contempt Order was "final as to Microlaw," Chief Judge Scholl ordered the United States Marshall to deliver a copy of the order and advise Microlaw that it must provide "evidence that it has complied or will comply with each and every provision of the order of May 20, 1998, on or before July 1, 1998, [or] the Marshall may be directed to prevent Microlaw from continuing to conduct business in violation of [the Bankruptcy Court] Orders." (Id.)

Dienes, disagreeing with the June 12, 1998 Order, filed the present petition for writ of mandamus on July 1, 1998. In the petition, Dienes seeks to set aside the June 12, 1998 Order, as well as all earlier orders of the Bankruptcy Court.

DISCUSSION

I. Mandamus

The writ of mandamus is an "extraordinary remedy." Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 309 (1989). See also PAS v. Travelers Ins.

Co., 7 F.3d 349, 353 (3d Cir. 1993). "The traditional use of the writ . . . has been to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." Roche v. Evaporated Milk Assn., 319 U.S. 21, 26 (1943). See also Will v. Calvert Fire Ins. Co., 437 U.S. 655, 661 (1978); Kerr v. United States District Court for Northern District of California, 426 U.S. 394, 402 (1976); Will v. United States, 389 U.S. 90, 95 (1967).

A petitioner must demonstrate a "clear abuse of discretion," Bankers Life & Casualty Co. v. Holland, 346 U.S. 379, 383 (1953), or conduct amounting to "usurpation of [the judicial] power," De Beers Consolidated Mines, Ltd. v. United States, 325 U.S. 212, 217 (1945), before a writ of mandamus will issue. Because mandamus is such an extraordinary remedy, Dienes must show that he lacks adequate alternative means to obtain the relief he seeks, and carries "the burden of showing that [his] right to issuance of the writ is clear and indisputable," Mallard, 490 U.S. at 309 (citations omitted); he can show neither.

Dienes requests the district court to: (1) vacate the May 20, 1998 order against both Dienes and Bodnar; (2) order the Bankruptcy Court to reinstate Bodnar's petition; (3) "vacate in their entirety each and every Order entered to date in this matter;" and (4) advise the United States Marshals Service that the orders have been vacated. (Petition for Writ of Mandamus, p. 11).

Dienes has an alternative means to challenge the Contempt Order. Under the Federal Rules of Bankruptcy Procedure, contempt orders are "effective 10 days after service, . . . unless, within the 10 day period, the entity named therein serves and files objections prepared in the manner provided in Rule 9033(b)." Fed. R. Bankr. P. 9020(c). Under Rule 9033, when objections are filed, the district court reviews a bankruptcy judge's decision de novo. Dienes could obtain relief by timely filing an objection to the Contempt Order; that objection is currently before the court. The Bankruptcy Court acknowledged that Dienes's filing was: "a cognizable objection to the Order of Contempt pursuant to F.R.B.P. 9020(c)." (Order, June 12, 1998, p. 1). Since Dienes has an alternative means of obtaining review of the Bankruptcy Court orders, the writ of mandamus is not appropriate. The court will treat the petition for mandamus as the statement and brief on appeal of the Bankruptcy Court contempt orders.

Dienes does not seek to vacate the Bankruptcy Court orders against Microlaw. Dienes would have no standing to do so because a corporation must be independently represented by an attorney, not one of its officers. Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993) ("a corporation may appear in the federal courts only through licensed counsel"); United States v. Cocivera, 104 F.3d 566 (3d Cir. 1996). Microlaw has not challenged the entry of the Contempt Order, and the decision against Microlaw is final.

Dienes has no standing as to any order regarding Bodnar. Dienes is a "non-attorney Bankruptcy Petition Preparer." (Petition for Writ of Mandamus, ¶ 1) (emphasis added). As a non-attorney, Dienes does not and cannot represent Bodnar before the court. Innaccone v. Law, 142 F.3d 553, 558 (2d Cir. 1998) ("pro se means to appear for one's self, [so] a person may not appear on another person's behalf in the other's cause"); Russell v. United States, 308 F.2d 78, 79 (9th Cir. 1962); Collins v. O'Brien, 208 F.2d 44, 45 (D.C. Cir. 1953), cert. denied, 347 U.S. 944 (1954). Because Dienes can not represent Bodnar, he cannot request that the court vacate an order against Bodnar, or that the court reinstate her petition. C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697 (9th Cir. 1987); In re Marra, 179 B.R. 782, 788 (M.D. Pa. 1995). The Bankruptcy Court's dismissal of Bodnar's petition was a final appealable order. In re Kjellsen, 53 F.3d 944 (8th Cir. 1995); In re Sweet Transfer & Storage, Inc., 896 F.2d 1189, 1191 (9th Cir. 1990); In re Jackson, 190 B.R. 808 (W.D. Va. 1995); see also Catlin v. United States, 324 U.S. 229, 233 (1945). Bodnar has not appealed the dismissal of her petition; Dienes cannot reopen it on her behalf.

II. Appeal of the Contempt Order

In order to hold Dienes in contempt,[1] the court must find:

[1] Under 11 U.S.C. § 105 and Federal Rule of Bankruptcy Procedure 9020, the Bankruptcy Court has the power to hold interested parties before it in contempt. In re Ragar, 3 F.3d 1174 (8th Cir. 1993); In re Power Recovery Systems, 950 F.2d 798 (1st Cir. 1991); In re Skinner, 917 F.2d 444 (10th Cir. 1990); In re lands End Leasing, Inc., 220 B.R. 226 (D.N.J. 1998); In re

(1) a valid court order; (2) knowledge of the order; and (3) disobedience of the order. Harris v. City of Philadelphia, 47 F.3d 1311, 1326 (3d Cir. 1995). Civil contempt is a "severe remedy." Nelson Tool & Mach. Co. v. Wonderland Originals, Ltd., 491 F. Supp. 268 (E.D. Pa. 1980) (quoting California Artificial Stone Paving Co. v. Molitor, 113 U.S. 609 (1985)). Violation of a court order must be proved by "clear and convincing evidence." Robin Woods, 28 F.3d at 399 (citations omitted); Harley-Davidson, 19 F.3d at 146. If there is "ground to doubt the wrongfulness" of Dienes's conduct, the court should not find him in contempt. Harris v. City of Philadelphia, 47 F.3d 1342, 1350 (3d Cir. 1995); Robin Woods, 28 F.3d at 399 (citations omitted).

"Willfulness is not a necessary element of civil contempt" and "good faith is not a defense to civil contempt." Robin Woods

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Grosse, 84 B.R. 377 (Bankr. E.D. Pa. 1998), aff'd 96 B.R. 29 (E.D. Pa. 1989), aff'd sub nom., Dubin v. Jakobowski, 879 F.2d 856 (3d Cir. 1989), cert. denied sub nom., Jakobowski v. Dubin, 493 U.S. 976 (1989); In re Edgehill Nursing Home, Inc., 68 B.R. 413 (Bankr. E.D. Pa. 1986). Section 105 of the United States Bankruptcy Code permits Bankruptcy Courts to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a) (1993).

The scope of the court's contempt power under this provision is clarified by Federal Rule of Bankruptcy Procedure 9020, providing: "[c]ontempt committed in a case or proceeding pending before a bankruptcy judge, except [in circumstances not relevant here], may be determined by the bankruptcy judge only after a hearing on notice." Fed. R. Bankr. P. 9020(b). The Bankruptcy Court had the authority to find Dienes in contempt of court if the Bankruptcy Court first held a hearing on notice.

Dienes had an opportunity to be heard at the hearings on April 30, 1998, and May 19, 1998. A copy of the court order scheduling each hearing was sent to Dienes. (See, Order, April 15, 1998; Order May 1, 1998). The Bankruptcy Court complied with the requirements of Fed. R. Bankr. P. 9020.

Inc. v. Woods, 28 F.3d 396, 398 (3d Cir. 1994); see also Harley-Davidson v. Morris, 19 F.3d 142, 148 (3d Cir. 1994) (evidence of good faith does not bar conclusion that defendant acted in contempt); CBS Inc. v. Pennsylvania Record Outlet, Inc., 598 F. Supp. 1549, 1557 (W.D. Pa. 1984) ("behavior may be construed as contemptuous even in the absence of wilfulness") (citing McComb v. Jacksonville Paper Company, 336 U.S. 187, 191 (1949)). Dienes's timely appeal and petition for writ of mandamus challenge the validity of the Bankruptcy Court Contempt Order, not whether he knew of it or was able to comply.

A. Validity of the Order

The terms of a valid order must be "specific and definite." In re Village Craftsman, Inc., 160 B.R. 740 (Bankr. D.N.J. 1993) (citing Grosse, P.C., 84 B.R. at 383). See also United States v. Christie Indus., Inc., 465 F.2d 1002, 1006 (3d Cir. 1972) ("person will not be held in contempt of an order unless the order has given him fair warning that his acts were forbidden."); In re Rubin, 378 F.2d 104, 108 (3d Cir. 1967) (order said to be violated must be specific and definite.).

These orders were specific and definite enough to inform Dienes what was prohibited or directed. The first inquiry asked Dienes "to file . . . a written response to [certain] inquiries" involving the work done for Bodnar, the amounts charged, the names of other clients, and advertisements used. (Order, April 15, 1998). Dienes knew the information the Bankruptcy Court was requesting, but refused to provide it.

The Bankruptcy Court then entered another order regarding the same information and scheduling a hearing "pursuant to F.R.B.P. 9020 why . . . Dienes should not be held in civil contempt." (Order, May 1, 1998). The order "DIRECTED [Dienes] to participate in this hearing under penalty of contempt of court." (Id.) This order was equally clear: if Dienes did not respond to the court's request, and participate in the hearing, he would be held in contempt.

When Dienes failed to respond or participate in the hearing, the court entered the Contempt Order, but Dienes still did not comply. The Bankruptcy Court entered an order and directed the United States Marshal's Service to hand deliver a copy to Dienes and Microlaw and advise Dienes and Microlaw that, unless they provided evidence of their compliance with the earlier court orders, further actions against them might be taken.

Dienes's petition for writ of mandamus is directed to whether the Bankruptcy Court had the authority to enter the orders. It is well established that the "validity of [an] order is not open to collateral attack in a contempt proceeding for violating it." Harris v. City of Philadelphia, 47 F.3d 1333, 1337 (3d Cir. 1995). The court can "review the validity of the underlying order in a contempt proceeding when the underlying order was not previously appealable and compliance would result in irreparable harm." Id. Whether or not the prior order was previously appealable, Dienes was not irreparably harmed by the order to inform the Bankruptcy Court what he had done for Bodnar,

how much he charged, and others he had assisted. Dienes cannot challenge the Bankruptcy Court Order directing him to disclose this information when appealing the entry of the Contempt Order.

The orders leading up to the Contempt Order are no longer appealable, but they were appropriate. Dienes and Microlaw may have been violating three subsections of United States Bankruptcy Code Section 110: (1) subsection (c)(1), providing that a BPP preparing a document for filing with the Bankruptcy Court is required to "place on the document, after the preparer's signature, an identifying number that identifies individuals who prepared the document," 11 U.S.C.A. § 110(c)(1) (West Supp. 1998); (2) subsection (f)(1), prohibiting a BPP from using "the word 'legal' or any similar term in any advertisements, or advertise under any category that includes the word 'legal' or any similar term," 11 U.S.C.A. § 110(f)(1) (West Supp. 1998); and (3) subsection (h)(1), requiring the BPP to disclose any fee received from the debtor within the previous year. 11 U.S.C.A. § 110(h)(1) (West Supp. 1998).

The Bankruptcy Court was concerned that Dienes and Microlaw had not complied with those provisions. They may have violated subsection (c)(1) because no identifying number was provided by Microlaw. Dienes is the only Bankruptcy Petition Preparer listed on Bodnar's petition as having assisted her. However, the Bankruptcy Court was concerned that Dienes's work was on behalf of the corporation. If that were the case, Microlaw should have been listed as a preparer of the petition, and included its

employer identification number ("EIN"). (See, N.T. 4/30/98, p. 4). Since Microlaw was not listed independently nor was its EIN included, Microlaw may have been in violation of 11 U.S.C. § 110(c)(1).

Dienes, the President of Microlaw, and Microlaw may have also violated subsection (f)(1) by having a term similar to "legal" in Microlaw's name and advertisements. The Bankruptcy Court believed that "law" in Microlaw was similar to the proscribed "legal," and wanted a hearing on whether this was a violation of 11 U.S.C. § 110(f)(1).

The Bankruptcy Court was also concerned about a violation of subsection (h)(1), because neither Dienes nor Microlaw filed a statement regarding fees received from Bodnar. Bodnar's petition included a statement of the amount she paid to Microlaw. (See, Exh. 10, Statement of Financial Affairs, p. 5). However, the Bankruptcy Code specifically requires the "bankruptcy petition preparer [to] file a declaration under penalty of perjury" disclosing any fee received from the debtor within the past year. 11 U.S.C.A. § 110(h)(1) (West Supp. 1998). Bodnar's petition, even if filed under penalty of perjury, does not relieve Dienes of his statutory obligation. Dienes signed Bodnar's petition as bankruptcy preparer, but he did not declare under penalty of perjury that the information in the petition was true and correct. The Bankruptcy Code requires Dienes to file a form stating the amount received; the Bankruptcy Court reasonably believed his failure to do so was a violation of the statute.

The Bankruptcy Court ordered Dienes to file information so that it could determine whether these provisions had been violated. When Dienes did not respond, he was in violation of a valid court order.

B. Knowledge of the Order

There must be knowledge of the order and notice of the proscribed conduct. Village Craftsman, 160 B.R. at 748 (citations omitted). The notice must provide "fair warning that certain acts are forbidden [or required]; [and] any ambiguity in the law should be resolved in favor of the party charged with contempt." Id. (quoting United States on Behalf of I.R.S. v. Norton, 717 F.2d 767, 774 (3d Cir. 1983); Christie, 465 F.2d at 1006)). Dienes, in the "petition for writ of mandamus," does not deny that he knew of the orders, or assert that they were not specific or definite enough to inform him of what was prohibited or directed.

There is ample evidence that Dienes had knowledge of the orders as they were entered. Not only did Dienes discuss the orders in his appeal/petition for writ of mandamus; he also attached copies of them as exhibits. Even if he had not done so, the orders state they were sent to Dienes and Microlaw at "167 Main Street, Metuchen, N.J., 08840." (Order, April 15, 1998; Order, May 1, 1998; Order, May 11, 1998; Order, May 20, 1998; Order, June 3, 1998; Order, June 12, 1998). Dienes admits that is the correct address for him and for Microlaw, Inc. (Petition, ¶ 1).

If mail is properly addressed, stamped and deposited in the postal system, a rebuttable presumption arises that the notice was received by the addressee. Hagner v. United States, 285 U.S. 427, 430 (1932); In re Longardner & Associates, Inc., 855 F.2d 455, 459 (7th Cir. 1988); Freemen v. City of Philadelphia, 1994 WL 397376 (E.D. Pa. Jul. 21, 1994); In re John A. Mmahat, 1994 WL 160512 *1, *5 (E.D. La. Apr. 26, 1994); In re Mid-Miami Diagnostics, L.L.P., 195 B.R. 20, 22 (Bankr. S.D.N.Y. 1996). The presumption is reinforced by the fact that Dienes attached the orders to his petition for writ of mandamus. There is no evidence rebutting the presumption that Dienes received the orders in the mail; Dienes knew of the court orders underlying the Bankruptcy Court's finding of contempt.

C. Ability to Comply with the Order

Dienes "may not be held in contempt as long as [he] took all reasonable steps to comply." Harris v. City of Philadelphia, 47 F.3d 1311, 1324 (3d Cir 1995)(citations omitted); Robin Wood, 28 F.3d at 400 (quoting General Signal Corp. v. Donallco, Inc., 787 F.2d 1376, 1379 (9th Cir. 1986)). From the record and Dienes's petition, it appears that Dienes took no steps, reasonable or otherwise, to comply. There can be little doubt that Dienes could have complied. It was simple to inform the Bankruptcy Court: "[w]hat services [he] claims to have performed for [Bodnar]; [w]hat sums were charged for these services; [w]hy any sums charged should not be returned; [t]he names and case numbers of any other bankruptcy cases filed in any jurisdiction in which

[he] has charged fees for assisting the debtors but has not entered an appearance as counsel for the debtors; [and w]hat advertisements" have been utilized. (Order April 15, 1998, p. 2). Providing this information is relatively straightforward, and not particularly burdensome; Dienes provided some of it in his petition for writ of mandamus. Dienes could have complied with the Bankruptcy Court orders, but decided not to do so.

Dienes believed that the Bankruptcy Court did not have the power to enter the orders it did, so he ignored them until it became apparent that the Bankruptcy Court intended to enforce them. "[D]efiance of an order prior to a judicial determination of its invalidity will nevertheless constitute contempt." Edgehill, 68 B.R. at 416 (citing United States v. Stine, 646 F.2d 839, 845 (3d Cir. 1981)). See also Maness v. Meyers, 419 U.S. 449, 458 (1975) ("[i]f a person to whom a judge directs an order believes that order is incorrect, the remedy is to appeal, but, absent a stay, he must comply promptly with the order pending appeal").

CONCLUSION

Dienes filed a petition for writ of mandamus. He has an alternative means for obtaining the same relief, so the writ of mandamus will be denied. The alternative means is this appeal of the contempt order. There was a valid order from the Bankruptcy Court; Dienes knew of the order; and Dienes could have complied with it. Dienes was in contempt, and the Contempt Orders will be affirmed.

An appropriate order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re	:	MISCELLANEOUS ACTION
	:	
JUNE ALLISON BODNAR	:	
	:	
Debtor	:	NO. 98-MC-95

ORDER

AND NOW this 12th day of August, 1998, upon consideration of the petition for writ of mandamus, it is **ORDERED** that:

1. The petition for writ of mandamus is **DENIED**.

2. The objections to the Bankruptcy Court orders are **OVERRULED**.

3. The orders on appeal are **AFFIRMED**.

Norma L. Shapiro, J